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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,558	09/22/2003	John Giannetti	10243	9976

7590 12/02/2004  
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2600 Manitou Road  
Rochester, NY 14624

EXAMINER

CHEN, SOPHIA S

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/667,558

Applicant(s)

GIANNETTI ET AL.

Examiner

Sophia S. Chen

Art Unit

2852



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8,10,13,15 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,4-7,9,11,12,14,16,17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections – 35 U.S.C. §102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 10, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Makie (JP 04-032454 A).

Makie discloses a fuser entrance guide 4 for an electrophotographic apparatus comprising: a housing (around reference numeral 4; Figure 5) adapted to be positioned between a continuous loop of film 5 and the fuser section (heat roller and pressure roller) 2, 3 within the electrophotographic apparatus, the housing adapted to maintain a vacuum (with an air passage 10) therein (abstract); a base plate 4 on the housing; the base plate 4 having a lower surface adapted to contacted by the sheet as the sheet moves between the film 5 and fuser section 2, 3 (abstract), the lower surface having a first set of vacuum ports 4a positioned near the edges thereof and a second set of vacuum ports 4a positioned within a central area thereof (Figure 1); and the vacuum ports 4a in the second set are arranged in rows, which are spaced across the central area (Figure 1).

***Claim Rejections – 35 U.S.C. §103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ateya (US Pat. No. 4,493,548) in view of Makie.

Ateya discloses an electrophotographic apparatus and method for copying an image onto a sheet of a copy medium 32, the apparatus having a continuous loop of film 8 for transferring the image to the sheet 32 (Figure 1), a fuser section 31, and a travel path 30 for transporting the sheet 32 from the film 8 to the fuser section 31, and the travel path 30 comprising: a vacuum transport 30 for receiving the sheet 32 from the film 8 and moving the sheet 32 toward the fuser 31 (column 4, lines 1-5; column 7, lines 43-46; Figure 1).

Ateya differs from the instant claimed invention in not disclosing a fuser entrance guide.

Makie discloses a fuser entrance guide and method 4 for an electrophotographic apparatus comprising: a housing (around reference numeral 4; Figure 5) adapted to be positioned between a continuous loop of film 5 and the fuser section (heat roller and pressure roller) 2, 3 within the electrophotographic apparatus, the housing adapted to maintain a vacuum (with an air passage 10) therein (abstract); a base plate 4 on the housing; the base plate 4 having a lower surface adapted to be contacted by the sheet as the sheet moves between the film 5 and fuser section 2, 3 (abstract), the lower surface having a first set of vacuum ports 4a positioned near the edges thereof and a second set of vacuum ports 4a positioned within a central area thereof (Figure 1); and the vacuum ports 4a in the second set are arranged in rows, which are spaced across the central area (Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the fuser entrance guide as taught by Makie to the travel path of Ateya in order to guide the sheet to the fuser section smoothly (Makie; abstract).

#### ***Allowable Subject Matter***

6. Claims 2, 4-7, 9, 11, 12, 14, 16, 17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cornwall et al. (US Pat. No. 4,286,863) discloses an image forming apparatus comprising a vacuum transport and a vacuum fuser entrance guide.

Edwards et al. (US Pat. No. 4,378,152) discloses an image forming apparatus comprising a vacuum transport and a fuser entrance guide.

Sasaki (US Pat. No. 4,566,778) discloses an image forming apparatus comprising a sheet transport and a fuser entrance guide.

Iida et al. (US Pat. No. 4,714,338) discloses an image forming apparatus comprising a vacuum transport and a fuser entrance guide.

Ariyama (US Pat. No. 5,063,415) discloses an image forming apparatus comprising a vacuum transport.

Jinzai (US Pat. No. 5,159,394) discloses an image forming apparatus comprising a conveying belt and a fuser entrance guide.

Velazquez (US Pat. No. 5,515,151) discloses an image forming apparatus comprising a vacuum transport and a fuser entrance guide.

Autz (US Pat. No. 6,416,051 B1) discloses a sheet guide device having a vacuum transport.

Hayashi (JP 04-041358 A) discloses an image forming apparatus comprising a vacuum transport.

Wakamatsu et al. (JP 04-318880 A) discloses an image forming apparatus comprising a vacuum transport.

Kaneko et al. (JP 09-281831 A) discloses an image forming apparatus comprising a vacuum transport.

Ishizawa (JP 2001-083825 A) discloses an image forming apparatus comprising a sheet transport and a vacuum fuser entrance guide.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen  
Primary Examiner  
Art Unit 2852

Ssc  
November 29, 2004